



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.virginia.gov

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

CULPEPER COUNTY SCHOOL BOARD

FOR THE

EMERALD HILL ELEMENTARY SCHOOL SEWAGE TREATMENT PLANT (VPDES Permit No. VA0089354)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Culpeper County School Board, regarding the Emerald Hill Elementary School Sewage Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 62.1-44.7 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.

6. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
7. "Permit" means Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0089354.
8. "Regulation" means 9 VAC 25-31-10 et seq., the Virginia Pollutant Discharge Elimination System Permit Regulation.
9. "STP" means the Emerald Hill Elementary School sewage treatment plant located in Culpeper County.

SECTION C: Finding of Facts and Conclusions of Law

1. Culpeper County School Board ("County") owns and operates the STP which is a 0.01 MGD plant that serves approximately 1,000 people at Emerald Hill Elementary School. The STP discharges wastewater into Muddy Run in the Rappahannock River Basin. The discharges are the subject of the Permit, which was issued on October 4, 2001 and expires on October 4, 2006.
2. The Board has evidence to indicate that the County has violated the Regulation and the Permit by: (1) exceeding Permit effluent limits for Biochemical Oxygen Demand ("BOD5"), Carbonaceous Biochemical Oxygen Demand ("CBOD"), and Total Suspended Solids ("TSS"); and (2) failing to report instances of noncompliance. DEQ NVRO issued three warning letters (WL) and three notices of violation (NOV) to the County for the above-referenced violations as follows: WL No. W2005-08-N-1002 issued August 5, 2005; WL No. WL2005-10-N-1005 issued October 12, 2005; WL No. W2005-11-N-1028 issued November 10, 2005; NOV No. W2005-12-N-0008 issued December 12, 2005; NOV No. W2006-02-N-0003 issued February 10, 2006; and NOV No. W2006-03-N-0010 issued March 30, 2006.
3. The STP uses an extended aeration activated sludge process that was designed to consist of, among other things, a clarifier and a continuous gravity filter prior to post-aeration. As part of designed treatment process, secondary effluent was to flow from the clarifier to a continuous gravity filter ("CGF"). The CGF consisted of a vertical, cylindrical, steel tank containing sand filter media.
4. TSS, CBOD and BOD violations began in early 2005 and Environmental System Services, Ltd. ("ESS"), who was the contract operator at the time, attributed them to a system upset. The cause of the upset was an introduction of an excessive amount of cleaners and floor strippers into the system that resulted in poor treatment efficiency. ESS conducted a training session on March 10, 2005 during which time all school staff,

including janitorial and maintenance staff, were instructed as to what materials could and could not be discharged into the STP.

5. As is the case with the majority of school sewer treatment systems, violations ceased during the summer of 2005 when school was no longer in session and the STP was not discharging. TSS violations began again in the fall of 2005 when the school year resumed and continued throughout the year.
6. DEQ held a meeting with County representatives on February 2, 2006 to discuss these compliances issues and ways to return to compliance. At the meeting, the County agreed to evaluate whether the chlorination/dechlorination tablets were contributing to the TSS violations.
7. Furthermore, the County's engineer explained that because of the design of the CGF, the filter has never worked correctly and has not been a part of the treatment process since October 2002. The County asserts that a modification of the current CGF or a complete replacement will improve treatment efficiency significantly to enable the STP to consistently meet Permit effluent limits.
8. Appendix A of this Order requires the County to complete a modification or replacement of the CGF. Moreover, the County will be required to evaluate its chlorination/dechlorination process to determine if it should also be upgraded to improve treatment performance.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§ 62.1-44.15(8a and 8d) and 10.1-1185, orders the Culpeper County School Board and the Culpeper County School Board voluntarily agrees that:

1. Culpeper County School Board shall perform the actions described in Appendix A and B to this Consent Order to remedy the violations described above.
2. Culpeper County School Board shall pay a civil charge of \$3, 200 within 30 days of the effective date of the Consent Order in settlement of the violations cited in this Consent Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

Either in the transmittal letter or as a notation on the check, the Culpeper County School Board shall indicate that this payment is submitted pursuant to this Consent Order and shall include the Federal Identification Number for the Culpeper County School Board.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of the Culpeper County School Board, for good cause shown by the Culpeper County School Board, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Warning Letters and NOV's listed above in Section C2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the STP as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the Culpeper County School Board admits the jurisdictional allegations, but neither admits nor denies the factual findings and conclusions of law contained herein.
4. The Culpeper County School Board and the Board consent to exclusive venue in the Circuit Court of the County of Culpeper for any civil action taken to enforce the terms of this Order.
5. The Culpeper County School Board declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by the Culpeper County School Board to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder

of the Order shall remain in full force and effect.

8. The Culpeper County School Board shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The Culpeper County School Board shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Culpeper County School Board shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

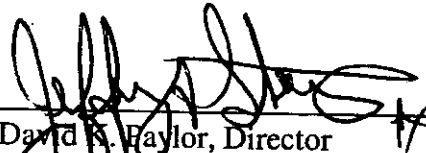
Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the Culpeper County School Board intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

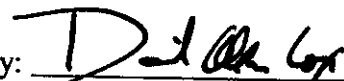
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the Culpeper County School Board. Notwithstanding the foregoing, the Culpeper County School Board agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to the Culpeper County School Board. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Culpeper County School Board from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, the Culpeper County School Board voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 5 June, 2006.



David K. Faylor, Director
Department of Environmental Quality

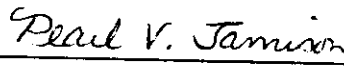
The Culpeper County School Board voluntarily agrees to the issuance of this Order.

By: 

Dr. David A. Cox, Superintendent
Culpeper County School Board
Date: 4/10/2006

Commonwealth of Virginia
City/County of Culpeper

The foregoing document was signed and acknowledged before me this 10th day of
April, 2006, by Dr. David A. Cox, who is the Superintendent of the Culpeper County
School Board, on behalf of the Culpeper County School Board.



Notary Public

My commission expires: 7-31-09

**APPENDIX A
SCHEDULE OF COMPLIANCE**

Culpeper County School Board shall:

1. By no later than May 1, 2006, submit to DEQ for review and approval, a summary report detailing: (1) an evaluation of procedures the County uses to estimate its flow and whether a flow meter would enable the County to obtain more accurate readings; and (2) an evaluation of whether the chlorination/dechlorination tablets are contributing to the TSS violations and if so, various options to improve or replace the current system.
2. By no later than May 1, 2006, submit to DEQ a Preliminary Engineering Report (PER), for review and approval, to modify or replace the current CGF.
3. Within thirty (30) days of PER approval, submit plans and specifications, for review and approval, for modification of the STP; and
4. Within sixty (60) days of approval of plans and specifications, commence construction.
5. Complete construction and obtain a Certificate to Operate (CTO) the modified STP within one-hundred and sixty five (165) days of commencement.
6. Within thirty (30) days of issuance of the CTO, submit an amended Operations and Maintenance (O&M) Manual that incorporates the above referenced modification of the sand filter.
7. Submit quarterly construction project progress reports to NVRO with the Discharge Monitoring Report (DMR) submission and continue to operate the STP in accordance with the O&M manual and the Sludge Management Plan (SMP) in order to ensure that the STP produces the best quality effluent of which it is capable, and in order to minimize any additional exceedences of Permit effluent limits and impacts to water quality that may occur while the plant is being modified.

APPENDIX B

INTERIM EFFLUENT LIMITATIONS

EMERALD HILL ELEMENTARY SCHOOL STP

During the period beginning with the effective date of this Order and lasting until completion of the upgraded treatment plant and issuance of CTO in accordance with the timelines outlined in Appendix A, the Culpeper County School Board shall monitor and limit the discharge from the Emerald Hill Elementary School STP in accordance with VPDES Permit No. VA 0089354, except as specified below. These interim limits shall apply in lieu of the Total Suspended Solids (June to December) limits in the Permit and shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These requirements shall be construed in light of the Board's Permit Regulation.

PARAMETER	DISCHARGE LIMITATIONS		
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum Maximum</u>
Total Suspended Solids (June to December)	30	45	N/A N/A

N/A = Not applicable.